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One Hundred Seventeenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

June 14, 2021

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

As U.S. negotiators continue discussions in Vienna regarding Iran's nuclear program, we are writing to remind you of the Administration's statutory obligations to provide Congress with an opportunity to review and assess any nuclear agreement that you reach with Iran.

Specifically, the Iran Nuclear Agreement Review Act of 2015 ("INARA"), codified at 42 U.S.C. 2160e, was enacted with strong bipartisan support to ensure congressional oversight of U.S. policy regarding Iran's nuclear program. That law requires the President to submit to Congress within five days any nuclear agreement reached with Iran, as well as a detailed verification assessment report and certification. The law is deliberately expansive in scope:

The term 'agreement' means an agreement related to the nuclear program of Iran that includes the United States, commits the United States to take action, or pursuant to which the United States commits or otherwise agrees to take action, regardless of the form it takes, whether a political commitment or otherwise, and regardless of whether it is legally binding or not, including any joint comprehensive plan of action entered into or made between Iran and any other parties, and any additional materials related thereto, including annexes[.] (42 U.S.C. 2160e(h)(1))

Thus, the required documentation for any agreement resulting from the ongoing negotiations must be submitted to Congress for the review period guaranteed by that law.

It is impossible to resume mutual compliance with the JCPOA as written and considered by Congress six years ago as though it were the continuation of the same agreement. The United States withdrew from the JCPOA over three years ago, in May 2018. In the interim, as you testified on June 7, 2021 Iran’s nuclear program has been “galloping forward”, with numerous violations of the nuclear limitations of the JCPOA. According to IAEA reports, Iran’s stockpile of enriched uranium is approximately 16 times the allowed limit, and Iran began enriching uranium to 60 percent purity in April 2021. Iran’s number of installed centrifuges and locations for nuclear work all exceed JCPOA-mandated limits. Tehran is also conducting JCPOA-prohibited research and development (R&D) activities and centrifuge manufacturing. The IAEA reportedly has also detected nuclear material at three undeclared locations; this material may date back to the first decade of the 2000s.

These violations make it impossible to simply “return” to the JCPOA, because Iran’s non-compliance has changed the deal itself. Many of Iran’s key JCPOA commitments involved categorically forswearing certain R&D and enrichment activities for a period of 8, 10, or 15 years (depending on the activity) from the effective date of the agreement. Once violated, those commitments were irretrievably broken, and can no longer be complied with as drafted.

Even if Iran were to relinquish all of the physical fruits of its violations – such as noncompliant centrifuges and nuclear materials – it cannot unlearn the technical capacity and knowledge that it has gleaned from the prohibited nuclear activities it has undertaken. It is farther down the road toward a nuclear weapon than it was when the original JCPOA was concluded. As IAEA Director General Rafael Grossi said in an interview published in May, “You cannot put the genie back into the bottle — once you know how to do stuff, you know....The Iranian program has grown, become more sophisticated so the linear return to 2015 is no longer possible.”

Given these material changes in the strategic context, any prospective agreement related to the nuclear program of Iran that commits the United States to action clearly constitutes a new agreement that must be transmitted to Congress for review pursuant to 42 U.S.C. 2160e.

We look forward to the opportunity to review any such agreement, to ensure that it addresses the nuclear and other threats that Iran poses to the United States and our allies and partners.

Sincerely,



Michael T. McCaul
Ranking Member
House Foreign Affairs
Committee



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Member of Congress



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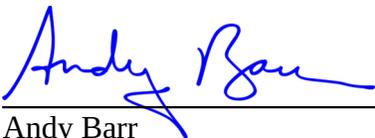
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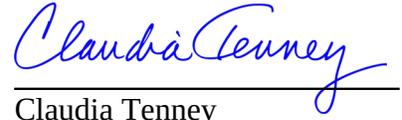
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